

Australian Capital Territory

Road Transport (General) Hazard Perception Test Exemption Declaration 2020 (No 1)

Disallowable instrument DI2020–20

made under the

Road Transport (General) Act 1999, section 13 (Power to exclude vehicles, persons, or animals from road transport legislation)

EXPLANATORY STATEMENT

Section 13 (1) of the *Road Transport (General) Act 1999* allows the Minister to declare that the road transport legislation, or a provision of the road transport legislation, does not apply to a vehicle, person or animal in a place or circumstance stated in the declaration. Under subsection 13 (3) of the *Road Transport (General) Act 1999*, a declaration under section 13 (1) is a disallowable instrument.

Changes to the ACT's driver licensing scheme for learner and provisional car drivers commenced on 1 January 2020. These changes included the introduction of successful completion of a hazard perception test as an eligibility requirement for obtaining a provisional car licence.

This instrument declares that a person, in certain circumstances, is exempt from completing a hazard perception test to be eligible for a provisional car licence under section 22 of the *Road Transport (Driver Licensing) Regulation 2000*.

The hazard perception test is not yet available, and this has resulted in certain ACT residents and interstate transfers not being able to complete the hazard perception test prior to obtaining an ACT provisional car licence despite meeting all the other eligibility requirements.

A regulatory impact statement is not required as this instrument does not impose appreciable costs on the community or a part of the community (see section 34 (1), *Legislation Act 2001*). Exempting identified people from the requirement to complete a Hazard Perception Test prior to applying for a provisional licence does not operate to the disadvantage of anyone by adversely affecting their rights or imposing liabilities on the person (see section 36 (1), *Legislation Act 2001*).

Clause notes

Clause 1 is a formal provision that deals with the name of the instrument.

Clause 2 provides that this instrument is taken to have commenced on 1 January 2020. This retrospective commencement is non-prejudicial and is necessary to address any potential deficiency in provisional car licences issued since that date.

Clause 3 declares that section 22 (3) (d) of the *Road Transport (Driver Licencing) Regulation 2000* does not apply in the circumstances identified in clause 4.

Clause 4 identifies the circumstances in which the exemption from the requirement to complete the hazard perception test will apply.

Clause 5 provides that this instrument expires on either the road transport authority providing the hazard perception test or midnight on 31 March 2020, whichever occurs first.

Human rights implications

There are no human rights implications arising from this instrument.

Climate change implications

There are no climate change implications arising from this instrument.